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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. : 10/766,042

APPLICANT : MARK CIASULLO

MARK : GOLF CLUB HEAD

**RESPONSE TO OFFICE ACTION
DATED OCTOBER 19, 2004**

**BEFORE EXAMINER:
SEBASTIANO PASSANITI**

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant responds to the Office Action of October 19, 2004. Claims 1 – 13 are pending. No amendments or changes to the claims or specification have been made.

Examiner Passaniti rejects Claims 1 – 13 under the doctrine of obviousness – type double patenting as being unpatentable over Claims 1 – 6 of U.S. Patent No. 6,739,984. The Examiner argues that the claims in question are not patentably distinct from each other because the claimed device of the patent is defined more specifically than the instant claimed invention and, therefore, the patent includes all of the limitations of the instant invention.

Enclosed please find a copy of the filing of a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a “Prior” Patent, as well as a copy of Statement Under 37 CFR 3.73(b).

Based on this filing, applicant believes that the double patenting objection is no longer appropriate.

Since no prior art made of record has been relied upon by the Examiner in connection with any other rejection of the claims (the Examiner cites to Stites but clearly indicates that he is not relying upon this reference which is not relevant to the pending claims), allowance of pending Claims 1 – 13 is respectfully requested.

CONCLUSIONS

In view of the above, applicant believes that Claims 1 – 13 of the pending application are in condition for allowance and request a Notice of Allowance be issued forthwith.

Respectfully submitted,

**HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITI, TOSKOS & HARZ, LLC**

By: 

ARNOLD D. LITT, ESQ.

Registration No.: 26,296

ADL:jlc

Enclosures

cc: Mark Ciasullo
Howard Flaxman



11-17-04

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sh

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November 10, 2004

VIA EXPRESS MAIL EV 455602045US

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: SERIAL NO.: 10/766,042
TITLE: GOLF CLUB HEAD
APPLICANT: MARK CIASULLO
RESPONSE TO OFFICE ACTION DATED OCTOBER 19, 2004

Dear Sir:

Enclosed herewith please find a Response to Office Action dated October 19, 2003, in connection with the above referenced matter, along with a Certificate of Mailing and a self-addressed, stamped postcard, that we ask you date-stamp receipt of the enclosures.

Should you have any questions, please feel free to contact me.

Very truly yours,

HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT, TOSKOS, & HARZ, LLC

By: 

ARNOLD D. LITT, ESQ.

ADL:jlc
Enclosures